

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

MARIO AGUILAR-MENDOZA,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 1:13-cv-188-JHH-TMP
	)	
WARDEN JOHN RATHMAN,	)	
	)	
Respondent.	)	

**REPORT AND RECOMMENDATION**

This is an action filed pursuant to 28 U.S.C. § 2241. The petitioner, Mario Aguilar-Mendoza, filed his *pro se* petition for writ of *habeas corpus* on January 28, 2013. He was then incarcerated at the federal correctional institution in Talladega, Alabama. The last order sent to petitioner at that address was returned as undeliverable, with a notation written on the envelope that he was no longer in the facility, and had not left a forwarding address. A search on the Bureau of Prisons inmate located indicates that petition was released in March 2013. To date, petitioner has failed to inform the court of his current address. For these reasons, it appears to the court that the petition is due to be dismissed for want of prosecution.

**Notice of Right to Object**

Any party who objects to this report and recommendation must, within fourteen (14) days of the date on which it is entered, file specific written objections with the clerk of this court. **Any**

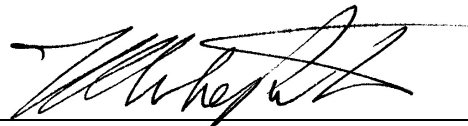
**objections to the failure of the magistrate judge to address any contention raised in the petition also must be included.** Failure to do so will bar any later challenge or review of the factual findings or legal conclusions of the magistrate judge. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985), *reh'g denied*, 474 U.S. 1111, 106 S.Ct. 899, 88 L.Ed.2d 933 (1986); *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982) (*en banc*). In order to challenge the findings of the magistrate judge, a party must file with the clerk of the court written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection. A copy of the objections must be served upon all other parties to the action.

Upon receipt of objections meeting the specificity requirement set out above, a United States District Judge shall make a *de novo* determination of those portions of the report, proposed findings, or recommendation to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. The district judge, however, need conduct a hearing only in his discretion or if required by law, and may consider the record developed before the magistrate judge, making his own determination on the basis of that record. The district judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Objections not meeting the specificity requirement set out above will not be considered by a district judge.

A party may not appeal a magistrate judge's recommendation directly to the United States Court of Appeals for the Eleventh Circuit. Appeals may be made only from a final judgment entered by or at the direction of a district judge.

DATED this 1<sup>st</sup> day of July, 2013.

A handwritten signature in black ink, appearing to read 'T. Michael Putnam', is written over a horizontal line.

T. MICHAEL PUTNAM  
U.S. MAGISTRATE JUDGE